IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.86 OF 2007
TO
CRIMINAL APPLICATION NO.90 OF 2007

Mr.Krishna Murari Poddar ..Applicant

Vs.

M/s.Forties Financial Services & Anr. ..Respondents

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Mr.R.K.Naik counsel for Applicant
Mr.Manish Babar for Respondent No.1
Mr.A.S.Shitole, A.P.P. for State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 7, 2007

P.C.

1. Heard the learned advocate for the applicants, the learned advocate for the respondent-complainant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued in C.C.Nos. 1051/S/2002, 2379/S/2002, 1612/S/2002, 1102/S/2002 and 358/S/2002 by the learned Addl. Chief Metropolitan Magistrate. The said cases are pending before the learned Addl. Chief Metropolitan Magistrate, 25th Court at Dhobi

Talav, Mumbai. In the said case process is issued under Sections 138 of Negotiable Instruments Act.

3. However, for the reasons recorded in the order passed by this Court in the case of **V.K.Jain Vs. P.V.Padode; 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks. The learned counsel for the respondent-complainant fairly states that no objection will be raised in respect of delay in preferring revisions. In view of this statement,

the learned Sessions Judge shall condone the delay if any, in filing revisions.

5. On the necessary revisions being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]